

**New Hampshire Racing & Charitable Gaming Commission**  
**Commission Meeting**  
**Concord Office**  
**May 25, 2010**  
**10-07**

Present: Timothy J. Connors, Chairman  
Warren W. Leary Jr., Secretary  
Michael J. Gatsas, Member  
Lynn M. Presby, Member  
Bernard A. Streeter, Member  
Anthony B. Urban, Member  
Paul M. Kelley, Director  
Sudhir K. Naik, Deputy Director  
Steve Johnston, Supervisor Gaming Operations  
William Dewhurst, Senior Auditor  
Linda Glaser, Auditor  
Shawn Graham, Auditor  
Billie Jean Arseneault, Gaming/Licensing Supervisor  
Peter Rheaume, Gaming Enforcement Asst Supervisor  
Charles Saia, Legal Coordinator  
Linda Darrow, Administrative Secretary

In Attendance: Rick Newman, Jan DiMarzio, Becky Mignogna, Ed Callahan, Art Phillips, Michael Macedo, Kory Kamke and others

The Chairman called the meeting to order at 11:00 a.m. Chairman Connors called for the scheduled hearings to begin.

**Belmont Gaming LLC/Kory Kamke Hearing**

The Chairman opened the appeal hearing relative to an issue with Mr. Kamke's game operator license. The Chairman swore in those who were to testify:

Mr. Kory Kamke-Game Operator, Belmont Gaming  
Mr. Rick Newman-General Manager of the Lodge at Belmont  
Mr. Charles Saia-Legal Coordinator  
Mr. Stephen Johnston-Supervisor Gaming Operations  
Ms Billie Jean Arseneault-Gaming/Licensing Supervisor  
Mr. Peter Rheaume-Gaming Enforcement Asst Supervisor

The Chairman asked if anyone else had any testimony or evidence to offer. There was none. The Chairman closed the hearing at 11:16 a.m.

At 1:40 p.m., on a motion by Commissioner Streeter, seconded by Commissioner Gatsas and based on all evidence received and all testimony heard, by a majority voted for the following:

**Decision & Order**  
**Belmont Gaming, LLC**

## Findings of Fact

1. On March 28, 2010, the RCGC conducted a games of chance inspection at The Lodge at Belmont (Lodge) (GOC Facility License # H0001).
2. During the inspection referenced in #1, above, Belmont Gaming, LLC (Belmont) was operating games of chance (game operator license # E0001).
3. During the inspection referenced in #1 above, Belmont employed Mr. Kory Kamke, as a primary game operator, (Kamke) (badge # 04709) to operate the games of chance.
4. During the inspection referenced in #1 above, RCGC discovered that the "Charitable Organization License for Games of Chance", License # 10-003249, was not valid as the dates and the charitable organization listed on the license did not coincide with March 28, 2010.
5. On April 1, 2010, a Letter of Warning & Notice of Hearing was sent via USPS, Certified Mail, Return Receipt Requested to Belmont indicating that a hearing would be held on April 7, 2010 regarding the potential violations of RSA 287, as delineated above.
6. Pursuant to Pari 200, Belmont Gaming, LLC requested a continuance of the hearing.
7. Pursuant to Pari 200, the RCGC allowed and granted the request for continuance.
8. On May 17, 2010, a Letter of Warning & Notice of Hearing was sent via USPS, Certified Mail, Return Receipt Requested to Belmont indicating that a hearing would be held on May 25, 2010 regarding the potential violations of RSA 287, as delineated above.
9. On May 25, 2010 the RCGC held a hearing to determine if an administrative sanction would be imposed for the potential violations of RSA 287-D.
10. The RCGC received a letter from Kamke on May 21, 2010, wherein, he admitted to the allegations "as true" as recited above in 1-4, inclusive.
11. Further, in his letter to the RCGC, Kamke noted that he would email to Mr. Rick Newman, the General Manager of Belmont, the curative steps taken to avoid any violation in the future.
12. Mr. Kory Kamke, Primary Game Operator, provided testimony at the hearing to the extent where he reaffirmed his prior admission to the violations (as contained in his letter referenced in #7 above).
13. Mr. Rick Newman, General Manager of Belmont, provided testimony at the hearing stating that
  - a. As a result of the violations, new checks are in place to insure compliance with statutes and rules.
  - b. The violations have revealed that better checks and balances were needed to insure conformity with the statutes and rules.
  - c. There was no licensed charity scheduled to play the games of chance on March 28, 2010.
14. The Director of the RCGC provided testimony at the hearing, stating that
  - a. A check in the amount of \$366.60 was forwarded to the RCGC to cover the amounts due to the State of New Hampshire, pursuant to RSA-D:3.
  - b. The RCGC did not cash or deposit the check as there was no licensed charity on March 28, 2010.

## Conclusions of Law

1. RSA 287-D requires the licensing of games of chance on licensed game dates.
2. The RCGC determined that Belmont Gaming, LLC acted as a game operator on March 28, 2010 for games of chance held at the Lodge.
3. The RCGC determined that Belmont Gaming, LLC employed Mr. Kory Kamke as a primary game operator on March 28, 2010 for games of chance held at the Lodge.
4. The RCGC determined that Belmont Gaming, LLC operated a game of chance without the approval of the RCGC.
5. The RCGC determined that Mr. Kory Kamke, as an employee of Belmont Gaming, LLC, operated a game of chance without the approval of the RCGC.
6. The RCGC determined that there was no licensed charitable organization at The Lodge at Belmont on March 28, 2010.

7. Based on testimony given and information received, the RCGC concludes that Belmont Gaming, LLC violated RSA 287-D.
8. Based on testimony given and information received, the RCGC concludes that the violation is a major violation pursuant to RSA 287-D:6, IX(c)(1).
9. The RCGC determines that a fine of \$3,500.00 is appropriate for this type of violation.
10. Pursuant to Pari 1217.01 (h), the fine of \$3,500.00 as imposed by the RCGC, shall be paid within 5 days of receipt of the final order pursuant to Pari 202.

#### **Order**

1. The RCGC orders that Belmont Gaming, LLC shall be fined \$3,500.00 for the violations of RSA 287-D.
2. Payment of this fine is independent of any further fines or actions the Commission may take for any subsequent violations that makes this order payable.
3. The RCGC orders the Director of the RCGC to return to Belmont Gaming, LLC the check in the amount of \$366.60, (representing payment pursuant to RSA 287-D:3).

So Ordered.

#### **Decision & Order** **Mr. Kory Kamke, Primary Game Operator**

#### **Findings of Fact**

1. On March 28, 2010, the RCGC conducted a games of chance inspection at The Lodge at Belmont (Lodge) (GOC Facility License # H0001).
2. During the inspection referenced in #1, above, Belmont Gaming, LLC (Belmont) was operating games of chance (game operator license # E0001).
3. During the inspection referenced in #1 above, Belmont employed Mr. Kory Kamke, as a primary game operator, (Kamke) (badge # 04709) to operate the games of chance.
4. During the inspection referenced in #1 above, RCGC discovered that the "Charitable Organization License for Games of Chance", License # 10-003249, was not valid as the dates and the charitable organization listed on the license did not coincide with March 28, 2010.
5. On April 1, 2010, a Letter of Warning & Notice of Hearing was sent via USPS, Certified Mail, Return Receipt Requested to Belmont indicating that a hearing would be held on April 7, 2010 regarding the potential violations of RSA 287, as delineated above.
6. Pursuant to Pari 200, Mr. Kory Kamke requested a continuance of the hearing.
7. Pursuant to Pari 200, the RCGC allowed and granted the request for continuance.
8. On May 17, 2010, a Letter of Warning & Notice of Hearing was sent via USPS, Certified Mail, Return Receipt Requested to Belmont indicating that a hearing would be held on May 25, 2010 regarding the potential violations of RSA 287, as delineated above.
9. On May 25, 2010 the RCGC held a hearing to determine if an administrative sanction would be imposed for the potential violations of RSA 287-D.
10. The RCGC received a letter from Kamke on May 21, 2010, wherein, he admitted to the allegations "as true" as recited above in 1-4, inclusive.
11. Further, in his letter to the RCGC, Kamke noted that he would email to Mr. Rick Newman, the General Manager of Belmont, the curative steps taken to avoid any violation in the future.
12. Mr. Kory Kamke, Primary Game Operator, provided testimony at the hearing to the extent where he reaffirmed his prior admission to the violations (as contained in his letter referenced in #7 above).
13. Mr. Rick Newman, General Manager of Belmont, provided testimony at the hearing stating that
  - a. As a result of the violations, new checks are in place to insure compliance with statutes and rules.
  - b. The violations have revealed that better checks and balances were needed to insure conformity with the statutes and rules.

- c. There was no licensed charity scheduled to play the games of chance on March 28, 2010.
14. Mr. Paul Kelley, Director of the RCGC, provided testimony at the hearing, stating that
  - a. A check in the amount of \$366.60 was forwarded to the RCGC to cover the amounts due to the State of New Hampshire, pursuant to RSA-D:3.
  - b. The RCGC did not cash or deposit the check as there was no licensed charity on March 28, 2010.

### **Conclusions of Law**

1. RSA 287-D requires the licensing of games of chance on licensed game dates.
2. The RCGC determined that Belmont Gaming, LLC acted as a game operator on March 28, 2010 for games of chance held at the Lodge.
3. The RCGC determined that Belmont Gaming, LLC employed Mr. Kory Kamke as a primary game operator on March 28, 2010 for games of chance held at the Lodge.
4. The RCGC determined that Belmont Gaming, LLC operated a game of chance without the approval of the RCGC.
5. The RCGC determined that Mr. Kory Kamke, as an employee of Belmont Gaming, LLC, operated a game of chance without the approval of the RCGC.
6. The RCGC determined that there was no licensed charitable organization at the Lodge on March 28, 2010.
7. Based on testimony given and information received, the RCGC concludes that Mr. Kory Kamke, primary game operator, violated RSA 287-D.
8. The RCGC determines that a fine of \$1,000.00 is appropriate for this type of violation.
9. Pursuant to 287-D:6 IX (d), the RCGC suspends the payment of \$750.00, from the total amount of \$1,000.00.
10. Pursuant to Pari 1217.01 (h), the portion of the fine, representing \$250.00, as imposed by the RCGC, shall be paid within 5 days of receipt of the final order pursuant to Pari 202.

### **Order**

1. The RCGC orders that Mr. Kory Kamke, primary game operator, shall be fined \$1,000.00 for the violations of RSA 287-D.
2. The RCGC orders that the amount of \$750.00 shall be suspended from the total amount of \$1,000.00.
3. The RCGC orders that the amount of the fine, representing \$250.00 shall be paid forthwith, in accordance with Pari 1217.01 (h).
4. Payment of this fine is independent of any further fines or actions the RCGC may take for any subsequent violations that makes this order payable.
5. The RCGC orders the Director of the RCGC to return to Belmont Gaming, LLC the check in the amount of \$366.60, (representing payment pursuant to RSA 287-D:3).

So Ordered.

### **Casino Game Rental LLC/Michael Macedo Hearing**

At 11:17 a.m., the Chairman opened the appeal hearing relative to an issue with Mr. Macedo's secondary game operator license. The Chairman swore in those who were to testify:

Mr. Art Phillips-Game Operator, Belmont Gaming

Mr. Michael Macedo-Secondary Game Operator, Casino Game Rental

Previously sworn in were:

Mr. Charles Saia-Legal Coordinator

Mr. Stephen Johnston-Supervisor Gaming Operations

Ms Billie Jean Arseneault-Gaming/Licensing Supervisor

Mr. Peter Rheume-Gaming Enforcement Asst Supervisor

The Chairman asked if anyone else had any testimony or evidence to offer. There was none. The Chairman closed the hearing at 11:26 a.m.

At 1:40 p.m., on a motion by Commissioner Urban, seconded by Commissioner Leary and based on all evidence received and all testimony heard voted unanimously for the following:

**Decision & Order**  
**Casino Game Rental LLC**

**Findings of Fact**

1. On May 8, 2010, the RCGC conducted a games of chance inspection at Benning Street Bar & Grill (Benning) (GOC Facility License # H0009).
2. During the inspection referenced in #1, above, Casino Game Rental, LLC (Casino) was operating games of chance (game operator license # E0003).
3. During the inspection referenced in #1 above, Casino employed Mr. Michael A. Macedo, as a secondary game operator, (Macedo) to deal the games of chance.
4. During the inspection referenced in #1 above, the RCGC discovered that Macedo was acting as a secondary game operator without a validly issued secondary game operator license.
5. On May 17, 2010, a Letter of Warning & Notice of Hearing was sent via USPS, Certified Mail, Return Receipt Requested to Casino indicating that a hearing would be held on May 25, 2010 regarding the potential violations of RSA 287-D, as delineated above.
6. On May 25, 2010 the RCGC held a hearing to determine if an administrative sanction and/or fine would be imposed for the potential violations of RSA 287-D.
7. Mr. Michael A. Macedo, provided testimony at the hearing stating that:
  - a. On May 8, 2010, he was not licensed as a secondary game operator.
  - b. On May 8, 2010, he acted as a secondary game operator to help out Mr. Arthur Phillips of Casino Game Rental, LLC.
8. Mr. Arthur Phillips of Casino Game Rental, LLC provided testimony at the hearing, stating that
  - a. He took responsibility for the actions of Mr. Michael A. Macedo, when Mr. Macedo acted as secondary game operator on May 8, 2010, without being validly licensed to do so.
9. The RCGC issued Mr. Michael A. Macedo a 2010 secondary game operator's license on May 12, 2010.

**Conclusions of Law**

1. RSA 287-D:2-c III (c) states that only licensed game operators shall participate in the operation of a game of chance.
2. RSA 287-D:2-c V imputes liability to the employer game operator for the actions of the game operator's employee, i.e. the secondary game operator.
3. The RCGC determined that Casino Game Rental, LLC operated games of chance, as a game operator, on May 8, 2010 for games of chance held at the Benning Street Bar & Grill.
4. The RCGC determined that Casino Game Rental, LLC, employed Mr. Michael A. Macedo on May 8, 2010, as a secondary game operator, to operate games of a chance, at Benning Street Bar & Grill.
5. The RCGC determined that Mr. Michael A. Macedo was not validly licensed as a secondary game operator on May 8, 2010, while in the employ of Casino Game Rental, LLC.
6. Based on testimony given and information received, the RCGC concludes that Casino Game Rental, LLC violated the relevant portions of RSA 287-D.
7. Based on testimony given and information received, the RCGC concludes that the violation is a major violation pursuant to RSA 287-D:6, IX(c)(4).
8. The RCGC determines that a fine of \$1,000.00 is appropriate for this type of violation.

9. Pursuant to Pari 1217.01 (h), the fine of \$1,000.00 as imposed by the RCGC, shall be paid within 5 days of receipt of the final order pursuant to Pari 202.

## **Order**

1. The RCGC orders that Casino Game Rental, LLC shall be fined \$1,000.00 for the violations of RSA 287-D.
2. Payment of this fine is independent of any further fines or actions the Commission may take for any subsequent violations that makes this order payable.

So Ordered.

## **Decision & Order** **Michael A. Macedo, Secondary Game Operator**

## **Findings of Fact**

1. On May 8, 2010, the RCGC conducted a games of chance inspection at Benning Street Bar & Grill (Benning) (GOC Facility License # H0009).
2. During the inspection referenced in #1, above, Casino Game Rental, LLC (Casino) was operating games of chance (game operator license # E0003).
3. During the inspection referenced in #1 above, Casino employed Mr. Michael A. Macedo, as a secondary game operator, (Macedo) to deal the games of chance.
4. During the inspection referenced in #1 above, the RCGC discovered that Macedo was acting as a secondary game operator without a validly issued secondary game operator license.
5. On May 17, 2010, a Letter of Warning & Notice of Hearing was sent via USPS, Certified Mail, Return Receipt Requested to Casino indicating that a hearing would be held on May 25, 2010 regarding the potential violations of RSA 287-D, as delineated above.
6. On May 25, 2010 the RCGC held a hearing to determine if an administrative sanction and/or fine would be imposed for the potential violations of RSA 287-D.
7. Mr. Michael A. Macedo, provided testimony at the hearing stating that:
  - a. On May 8, 2010, he was not licensed as a secondary game operator.
  - b. On May 8, 2010, he acted as a secondary game operator to help out Mr. Arthur Phillips of Casino Game Rental, LLC.
8. Mr. Arthur Phillips of Casino Game Rental, LLC provided testimony at the hearing, stating that
  - a. He took responsibility for the actions of Mr. Michael A. Macedo, when Mr. Macedo acted as secondary game operator on May 8, 2010, without being validly licensed to do so.
9. The RCGC issued Mr. Michael A. Macedo a 2010 secondary game operator's license on May 12, 2010.

## **Conclusions of Law**

1. RSA 287-D:2-c III (c) states that only licensed game operators shall participate in the operation of a game of chance.
2. RSA 287-D:2-c V imputes liability to the employer game operator for the actions of the game operator's employee, i.e. the secondary game operator.
3. The RCGC determined that Casino Game Rental, LLC operated games of chance, as a game operator, on May 8, 2010 for games of chance held at the Benning Street Bar & Grill.
4. The RCGC determined that Casino Game Rental, LLC, employed Mr. Michael A. Macedo on May 8, 2010, as a secondary game operator, to operate games of a chance, at Benning Street Bar & Grill.
5. The RCGC determined that Mr. Michael A. Macedo was not validly licensed as a secondary game operator on May 8, 2010, while in the employ of Casino Game Rental, LLC.
6. Based on testimony given and information received, the RCGC concludes that Mr. Michael A. Macedo violated the relevant portions of RSA 287-D.

7. Based on testimony given and information received, the RCGC concludes that the violation is within the statutory requirements of RSA 287-D:6 III.
8. The RCGC determines that a ten (10) day consecutive license suspension is appropriate for this type of violation.
9. The RCGC determines the ten (10) day secondary game operator license suspension shall commence upon the surrender of the 2010 secondary game operator's license.

## Order

1. The RCGC orders that Mr. Michael A. Macedo shall forthwith surrender, upon receipt of this decision & order, his 2010 secondary game operator's license, to the New Hampshire Racing & Charitable Gaming Commission.
2. The RCGC orders that the secondary game operator's license of Mr. Michael A. Macedo shall be suspended for a period of ten (10) consecutive days for the violation(s) of the relevant portion(s) of RSA 287-D.
3. The RCGC orders that the ten (10) consecutive days license suspension shall commence upon receipt by the Commission of Mr. Michael A. Macedo's 2010 secondary game operator's license.
4. The RCGC orders that Mr. Michael A. Macedo shall not operate and/or assist in any games of chance, during the license suspension period as recited in #'s 1, 2, & 3, immediately prior hereto.

So Ordered.

With the hearings closed, the Chairman moved forward to the other items on the agenda.

On a motion by Commissioner Urban, seconded by Commissioner Streeter and unanimously voted to approve and place on file the Commission minutes dated April 27, 2010.

The Racing & Charitable Gaming statistics for the fiscal period ending May 16, 2010 were reviewed. Statistics continue to trend downward. On a motion by Commissioner Urban, seconded by Commissioner Leary and unanimously voted to accept and place on file.

The Games of Chance warning letters spreadsheets were reviewed. Discussion ensued. On a motion by Commissioner Streeter, seconded by Commissioner Urban and unanimously voted that hearings would be scheduled for any organizations issued a second warning for the same offense or a fourth warning for multiple offenses.

The Games of Chance State Revenue spreadsheets were reviewed. On a motion by Commissioner Streeter, seconded by Commissioner Leary and unanimously voted to accept and place on file. Chairman Connors asked that the locations of charities be added to the Games of Chance Charity Revenue spreadsheet.

Deputy Director Naik provided a synopsis of the Seacoast Poker LLC Audit Report. Discussion ensued. Based on the results of the audit report, Seacoast Poker LLC will be asked to attend a hearing to address the nine (9) observations which were outlined in the report.

Legal Coordinator Saia provided a legislative update. SB367, the agency's housekeeping bill, is expected to be signed by the governor.

## Action Items:

- a. *Feasibility of introducing Bingo Mundo to charitable gaming in NH*: Director Kelley stated this continues to be a work in progress and a full report will be presented in late June or early July. Legal Coordinator Saia researched American based companies that provide this form of Bingo.

- b. *Revisit Eastern Poker Tour Championship Exhibitions:* Discussion ensued. Mr. Callahan will notify the Commission well in advance of the next scheduled exhibition.

Correspondence was reviewed. Discussion ensued regarding the letter from Mr. Callahan of Rockingham Park regarding loss of simulcast signal.

Old Business:

- Legal Coordinator Saia continues to work with the University of Florida to finalize the contract.
- Human Resources offered to provide sexual harassment training for the agency's supervisors – tentative dates of June 24<sup>th</sup> or 25<sup>th</sup>.
- A worksheet of proposed increases in buy-in and wager amounts was distributed. Discussion ensued. Commissioner Streeter suggested a meeting be held with Governor Lynch to discuss same.

New Business:

- Director Kelley asked the commissioners whether primary game operators should provide the agency with annual financial statements/audited annual financial statements/annual reports etc. Discussion ensued. Director Kelley was asked to prepare a proposal to be presented at the next meeting outlining specific information primary game operators should provide the agency on a regular basis.
- Director Kelley provided the commissioners with copies of the newly released NH Gaming Study Commission Final Report of Findings.
- Director Kelley was asked to provide a summary of the agenda, including his recommendations, to be sent to the commissioners with the agenda packets before scheduled commission meetings.
- A question arose on the "chop" rule and the use of "chop" in games of chance. Discussion ensued. Mr. Callahan will submit a written account outlining the use of "chop" in the games of chance played at Rockingham Park.

At 12:40 p.m., on a motion by Commissioner Urban, seconded by Commissioner Leary and by a unanimous roll call vote the Commission voted to adjourn the regular meeting, take a five minute break, and go into non-public session as allowed for in RSA 91-A:3 II (c), to discuss financial matters.

Connors	-	Yes
Leary	-	Yes
Gatsas	-	Yes
Presby	-	Yes
Streeter	-	Yes
Urban	-	Yes

At 1:00 p.m., on a motion by Commissioner Urban, seconded by Commissioner Leary and by a unanimous roll call vote the Commission voted to come out of the non-public session, permanently seal the non-public minutes and move on to a discussion and final decisions for the hearings held at 11:00 a.m.

Connors	-	Yes
Leary	-	Yes
Gatsas	-	Yes
Presby	-	Yes
Streeter	-	Yes
Urban	-	Yes

The next Commission meeting is scheduled for Wednesday, June 16, 2010 in Concord beginning at 11:00 a.m.

The public meeting was closed at 1:40 p.m.

Respectfully Submitted,

Warren W. Leary, Jr.  
Secretary